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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixteenth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 May 1997, at 3 p.m.

Chairperson: Mr. ALSTON

later: Mr. RATTRAY
(Vice-Chairperson)

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The meeting was called to order at 3 p.m.

ORGANIZATION OF WORK (continued)

1. The CHAIRPERSON said that it was proposed to set up an informal working group to reflect on the Committee's procedures. He invited members of the Committee to volunteer for participation in such a group, which would meet during the following week.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 7) (continued)

Third periodic report of the Russian Federation (E/1994/104/Add.8; E/C.12/Q/RUS.1) (continued)

2. At the invitation of the Chairperson, the Russian delegation took places at the Committee table.

Issues relating to specific provisions of the Convention (arts. 6-15)

3. Mr. VAROV (Russian Federation), continuing his replies to questions from members of the Committee, said that positive results had been achieved through strict preventive measures implemented under the legislation on labour protection enacted in 1994. He cited the reduction of occupational accidents and the decline in offences committed against women as examples of such improvements.

4. With reference to the occurrence of strikes, he did not believe that inadequacy of Russian legislation was to blame. The large body of enactments, including laws on collective labour disputes, adopted in 1994 and 1995, and the conclusion of collective agreements, as well as various amendments to the labour legislation, complied fully with the international legal norms. The problem was the public's lack of knowledge of the provisions of the law. The statutes provided for a series of procedures including prior negotiations aimed at preventing strike action and favouring dispute settlement. Data on the application of the most recent legislation on collective labour disputes and strikes had shown that the legislation had been effective. The number of illegal strikes had declined sharply. Strike action was limited almost exclusively to wage-related issues. For example, more than 95 per cent of the 800,000 strikes in 1996 had been staged by teachers for the non-payment of wages, which, along with late payment, remained an acute problem. However, the majority of workers received the wages to which they were entitled. The Government nevertheless attached great importance to improving the situation even further.

5. He refuted the suggestion that there was a lack of norms for the protection of workers in the private sector. Under Russian legislation, no discrimination was allowed in the treatment of workers, regardless of where they were employed.

6. The Russian Federation was actively considering ratification of a number of International Labour Organization conventions, including Convention No. 173. Under its strict approach to ratification, it was important for his Government fully to understand the implications of a convention and to be satisfied that it could fulfil its obligations, before it decided to ratify the instrument in question.

7. Russian legislation made a clear distinction between dismissal due to inadequate performance of work or misconduct, and dismissal for economic reasons. He described the system of compensation for dismissal and notice requirements under various circumstances.

8. Collective dismissals were not allowed under Russian legislation. Dismissal could be carried out only on an individual basis and in accordance with prescribed procedures. Coercive or other forms of indirect dismissal gave rise to prosecution when reported to the labour inspectorate.

9. Referring to Mr. Texier's question on the minimum wage, he said that legislative measures were being taken to match the minimum wage with the subsistence level.

10. There were several hundred types of trade unions at the federal and interregional levels. Membership of traditional trade unions was approximately 40 million, while that of the "non-traditional" unions was between 20 and 25 million, and the Government was strictly prohibited from monitoring the activities of trade unions. Given the stronger financial and organizational base of the traditional trade unions, the latter unions had an advantage over the newer unions in many respects. The newer unions had claimed a right to a certain percentage of the assets held by the traditional unions, which raised the complex legal issue of the origin of assets. In accordance with its international legal obligations, incorporated in domestic legislation, the Government believed that property disputes should not be handled in an arbitrary manner or through administrative procedures, but before the courts. The new trade unions must recognize that their role and influence could not be determined by a central authoritative body but by the respect and authority they earned from the workers.

11. Referring to Mr. Wimer's question concerning anti-Semitism in the granting of jobs, he said that, regrettably, in the former USSR such discrimination had been widespread. Under the Federation's laws, all forms of discrimination were categorically prohibited. Job application and administrative forms required no declaration of national or ethnic origin and such information was provided by an applicant only if he, of his own volition, chose to do so. While it was true that within the Government, the medical services and the scientific establishments there might be a predominance of a particular national group, the matter had been satisfactorily resolved in judicial terms.

12. Replying to Mr. Adekuoye's question, he said that outstanding payments might be made by the end of the current year, provided that economic, social and political developments ensured stability. The question of compliance with labour legislation was of a lower priority than dealing with the problem of pay arrears.

13. Mr. Rattray (Vice-Chairperson) took the chair.

Article 9: Right to social security

14. Mr. VAROV said that, since the drafting of the report, in July 1995, a substantially different, two-stage system had been introduced. Financial constraints had made it necessary to confine the first stage to a series of measures aimed at stabilizing living standards and reducing poverty. Those measures included the stabilization of benefits and compensation for non-payment of pensions and wages. Others were directed towards dismantling the system whereby List 1 workers received advantageous pay and conditions on account of the nature of their employment, at considerable cost to the Government. The focus would in future be on offering improved conditions and standards of more general benefit, or on eliminating the justification for special pay and terms by, for instance, improving technology and equipment in order to reduce occupational risks. The second stage would be introduced between 1998 and 2000, when pensions would be brought into line with international standards. An hourly wage system would replace the minimum wage, and tariff regulation would be introduced for wages in both the public and private sectors, with the aim of improving the situation in the budgetary and extrabudgetary sectors. Pensions would be individually calculated on the basis of employment history, in keeping with practice current in many European countries. Unemployment benefit had been claimed in 1996 by 90 per cent of the unemployed, 50 per cent of whom had dependants who also received other benefits. All those payments caused an immense drain on State funds and, as a result, payments were not always made on time. It was hoped that the situation could be regularized in the near future. Meanwhile, urgent action was required to counter the rampant practice of making fraudulent unemployment and sickness benefit claims, to the detriment of those in genuine need, and putting further pressure on government finances.

15. Mrs. JIMENEZ BUTRAGUEÑO asked how many people had not been paid their pensions by the Government and whether any provision existed for needy pensioners. How did the pension compare to the minimum wage?

16. Mr. AHMED suggested that the recent 12 per cent reduction in the health budget was a matter of serious concern in a country where 25 per cent of the population lived below the poverty line, and asked whether the population had access to necessary treatments. He inquired whether the Government had taken action to ensure that people who had been forcibly displaced had access to medical care, education and housing.

17. Mr. GRISSA asked how pension increases were calculated, and what subsidies were available for the disabled and for war veterans.

18. Mrs. BONOAN-DANDAN inquired how the Government intended to deal with the problem of displaced persons whose documents had been lost or destroyed, in order to reintegrate them into the social security and labour systems.

19. Mr. VAROV (Russian Federation) said that, with a population which included over 40 million pensioners, the matter of non-payment of pensions was indeed extremely pressing. The Russian population was ageing, and the many companies which were failing to pay wages were also not paying the employer's

social security contribution, which was the sole source of revenue for pension funds. Initially, the Government had adopted special measures in order to continue pension payments, and over half of pensioners also worked to supplement their pensions. Subsequently, other government bodies had stepped in to offer alternative forms of financial or medical assistance.

20. Referring to Mr. Ahmed's comments, he said that State hospitals had been hardest hit by the health budget cuts. Meanwhile, student enrolments in State and private medical schools were increasing, which appeared to indicate confidence in the future of the health sector. Procedures had been introduced to provide health care to refugees, but they were subject to abuse by individuals submitting false data. Funds had been allocated to provide assistance to refugees, to pay compensation for loss of property and to assist in the building or purchase of a home, in which connection tax concessions had also been introduced. It was, however, proving difficult to fund the system.

21. He assured Mr. Grissa that the situation of the majority of veterans had been resolved, although complaints had been lodged regarding illegal action by official bodies. Bills making better provision for veterans - whose number was in any event decreasing - were currently before the parliament.

22. On the subject raised by Mrs. Bonoan-Dandan, he said that procedures had been introduced, requiring prompt action by government and other bodies to ensure that lost documentation was replaced. Legislation also existed to resolve situations in which company records or State archives had been destroyed, authorizing recovery of data from alternative sources. Channels also existed to apply for a court decision, in which case financial assistance was made available while the situation was being resolved.

Article 10: Protection of the family, mothers and children

23. Mr. REIDEL, referring to the situation of street children, requested information on the results obtained through the measures provided for in the Presidential Decree mentioned in paragraph 194 of the report, and the medium-term strategy referred to in paragraph 195.

24. Mr. VAROV (Russian Federation) said that there had been a number of positive developments with regard to provision by the State for homeless children. The police had been instructed, upon identifying such children, to bring them to the special centres mentioned in paragraph 194 of the report. In 1995, there had been a modest increase in the number of children cared for in those centres. There certainly was a connection between the phenomena of homelessness and juvenile delinquency and the degradation of the education system. The high school dropout rate was a matter of particular concern. The Government had introduced measures to ensure that pupils who failed end-of-year examinations were allowed to repeat the year. It was also examining the experience of countries which had introduced an additional year of secondary education, of either a general or vocational nature. The adoption of such a system would also help to reduce youth unemployment.

25. Referring to question 31 on the list of issues, he said that between 1993 and 1996 the number of divorces had fallen by approximately 100,000, which indicated increasing family stability. However, over the same

period, the number of marriages had dropped by just over 230,000. While similar trends were common throughout Europe and could be attributed to demographic, as well as economic factors, his Government viewed the statistics with concern and was taking various measures to promote marriage. In particular, it had planned a number of events in the context of the International Day of the Family, to be celebrated on 15 May 1997. In 1996 a presidential decree setting out the key elements of the State's policy on the family had been issued.

26. Most western countries were currently experiencing an increase in the number of single mothers (question 32). They included countries whose economy was far stronger than that of the Russian Federation, where one-parent families accounted for 13 per cent of the total. His Government had implemented a series of measures to assist single mothers, including monthly allowances and special protection from dismissal.

27. In order to combat the problem of child abuse (question 34), 500 telephone lines had been set up which children could use to obtain information about their rights or to seek help if they had suffered abuse. The Government was raising awareness of that problem through the mass media. The legacy of the Soviet period, when children had been brought up not to discuss family matters outside the home and to mistrust the authorities, made it particularly difficult to uncover cases of abuse.

28. Mr. Alston (Chairperson) resumed the Chair.

29. Mr. AHMED asked why the Russian Federation had no specific laws relating to domestic violence. According to government statistics, in 1994 15,000 women had been murdered by their husbands, while the Ministry of Internal Affairs had recorded some 54,000 cases of spousal abuse. Yet, owing to the absence of legislation, the police were reluctant to intervene in such cases.

30. Mr. ANTANOVICH said he was surprised at the lack of information in the report on the subject of vocational training, which in Belarus had proved to be an invaluable tool for tackling some of the most acute social problems of the period of transition. The authorities had built upon the system established during the Soviet period to provide retraining for the unemployed and vocational guidance for young people expelled from school, who might otherwise turn to crime. Given that joblessness was one of the primary causes of family breakdown, he was convinced that such initiatives could contribute to social stability.

31. Mr. CEAUSU said that he would like to have more information on the situation of children born out of wedlock.

32. Mr. ADEKUOYE said it was a cause for deep concern that in the Russian Federation there were 200 abortions to every 100 live births, the highest ratio in the world. What factors accounted for that situation and what measures were being taken to tackle the problem?

33. Mr. TEXIER asked what had been the impact of the economic situation upon the level of maternity benefits and were all women entitled to receive them.

34. Mr. VAROV (Russian Federation), replying to the question raised by Mr. Ahmed, said that, while the Russian Federation had no specific legislation on domestic violence, the Code on Marriage and the Family stated clearly that all family members were responsible for every other family member. Also, there was a body of legal standards concerning responsibility for acts of violence. All violence was thus punished, whether it occurred in the family or elsewhere. The suggestion that police officers did not follow up reports of domestic violence was incorrect. In fact, since 1996, the police had been required to register all complaints made to them concerning such violence. However, women were often reluctant to involve the authorities, particularly since spousal abuse had been widely tolerated in the Russian Federation until comparatively recently.

35. Turning to Mr. Antanovich's comments, he said that the problems of the period of transition had inevitably affected the vocational training system, which had previously been one of the best in the world. Until 1996, the entire cost of financing vocational training had been met by the State in order to ensure that the system remained intact. Unfortunately, a number of vocational training institutions had been closed down by the regional authorities, although the nucleus of the system had survived. The Government, which recognized the value of vocational training, was now seeking to build upon that nucleus and to develop the system further.

36. Replying to Mr. Ceausu, he said that there was no difference between the legal status of children born out of wedlock and that of other children. Unmarried women were entitled to have the name of the father of their child on its birth certificate. Single mothers certainly experienced many practical difficulties, but a growing number of educated women were choosing to bring up their children alone.

37. Referring to the matter raised by Mr. Adekuoye, he said that the high ratio of abortions to live births was a legacy of the Soviet period, when there had been little sex education and contraception had been available only to the elite. Both the State and the medical community were striving to address the problem and in the previous two years the number of abortions had fallen, as the use of contraceptives had increased.

38. On the question of maternity benefits raised by Mr. Texier, he said that no benefits paid in the past had been abolished. The challenge now was to target the most needy. Child benefit was currently paid to all families without exception. Were it paid only to the poorest families, the amount of the benefit could be increased.

39. Mrs. BONOAN-DANDAN said that the Government of the Russian Federation could not claim to take women's rights seriously when the country had no legislation on domestic violence. A report by a non-governmental organization had indicated that half of all women who emigrated did so despite their high level of education and favourable employment prospects, because they could not bear the brutality of Russian family life. In her view, there must be a link between women's lack of confidence in the future and the high rate of abortions.

40. Mr. ADEKUOYE welcomed the fact that complaints to the police of domestic violence now had to be recorded. However, if there was no legislation on the subject of such violence, there was surely little likelihood that complaints would lead to criminal prosecutions.

41. Mr. GRISSA asked what recourse was available to men where the paternity of a child was disputed. He wondered whether the increase in the use of contraceptives might not be attributable to women's fear of AIDS.

42. Mr. VAROV (Russian Federation), replying to the points raised by Mrs. Bonoan-Dandan and Mr. Adekuoye, said that existing legislation provided women with adequate protection against domestic violence. If a woman made a well-founded complaint to the authorities, then her husband would be prosecuted. Various women's organizations were being established and they would ensure that women were informed of their rights. As to women's motives for emigrating, the majority sought to escape unfavourable economic conditions, not domestic violence.

43. It was not true to say that the number of abortions carried out was related to the low economic status of women, because it was actually cheaper now to use contraception in the Russian Federation, and abortion had become an expensive option.

44. The Women's Caucus in the State Duma had recently introduced a bill aimed at preventing violence within the family. Complaints of domestic violence brought to the police did not have to be accompanied by any proof of commission of a crime: under the Code of Criminal Procedure, all complaints were immediately investigated to determine if a crime was involved and, where that was the case, were referred either to the Public Prosecutor's Office or to the Ministry of Internal Affairs for further action. The Russian Federation thus followed international practice: the courts, acting always on a presumption of innocence, determined whether a crime had actually been committed.

45. Mr. Grissa had touched upon an interesting legal issue. Russian legislators had deliberately taken the decision to allow mothers to register the name of the father of their children born out of wedlock; it had been conceived as a measure to protect the rights of women and their children and avoid their having to bring expensive paternity suits. Men, of course, had the option of disputing paternity in court, although it was noteworthy that very few had done so since the law had been adopted.

Article 11: Right to an adequate standard of living

46. Mr. VAROV (Russian Federation), referring to issues 35 to 41, said that answers relating to issues 35, 37 and 39 had already been given. With regard to the meaning of "social assistance" (issue 36), it was defined as a system of benefits, welfare payments and compensatory payments regulated by over 1,000 laws. Those benefits and payments were extended to more than 200 specific groups within the population, and the system was on a huge scale, covering 100 million people. Over two thirds of the population received some form of social assistance.

47. Replying to questions put by Mr. Adekuoye, he said that assistance in kind (para. 181 of the report) involved mainly the provision of food and clothing; the main free service was access to medical care; and there were other forms of social assistance, in addition to cash grants, assistance in kind and free services, for which the State had been made responsible by law.

48. The problems of the children referred to in paragraph 186 of the report (issue 38) had already been dealt with in the discussion of article 9, but further mention could be made of the presidential programme "Children of Russia", which would operate until the year 2000 and comprised 12 subprogrammes for different categories of children, including disadvantaged children such as street children and children of large families. Statistics for 1995 indicated that 220,000 children had been born out of wedlock. Most of them lived in the country's 1.5 million one-parent families, 94 per cent of which were headed by single women.

49. With regard to issue 40, the Government was adopting a number of measures to ensure that the rights of displaced persons, broken families and orphaned children were respected. There were many more displaced persons than the number displaced by internal political problems and armed conflicts. Displaced children were covered by a number of specific presidential programmes targeting orphans, refugee children and children of displaced persons. Under the Constitution of the Russian Federation no distinction could be made between native-born and non-native-born persons, as defined in accordance with the current frontiers; similarly, under the Labour Code, all persons, citizens or not, had the same labour rights. In addition, the Federal Migration Service and the State Employment Service applied many measures specifically designed to assist displaced persons.

50. He said that the Minister of Health of the Russian Federation would speak on issue 41.

51. Mr. GRISSA, referring to issue 41, asked whether tainted food products were coming into the Russian Federation from abroad because of bribe-taking on the part of corrupt Russian importers.

52. Mr. MONISOV (Russian Federation) said that the substandard foodstuffs mentioned were making their way into the country, not because of corruption by inspectors but because various small importing companies deliberately purchased food of poor quality and put it on the market in bad faith. The Government had a strict system of certifying foodstuffs and was increasingly successful in excluding from the market any that did not meet the health standards. Further improvements in methods of inspection were shortly to be introduced. The latest figures - from samplings of both imported and domestic food products - indicated that 7 to 8 per cent were contaminated, which was still too high a proportion.

53. The quality of domestic agricultural production had recently stabilized and even improved somewhat over what was indicated in the report. Most of the contamination was due to the use of antibiotics and dangerous pesticides and to contamination by heavy metals. The Government had published a list of

appropriate pesticides, but since those products were in short supply some farmers still used unacceptable ones. Socio-economic factors were at the root of the entire problem.

54. Mr. THAPALIA, referring to issue 37 and the high proportion of people living below subsistence levels, requested information on specific measures the Government intended to take, in addition to the minimum wage bill under consideration, to alleviate the situation of the poorest among them, especially the elderly, women and the disabled. He would also like some information on the relevant monitoring bodies and on any progress made.

55. Mrs. BONOAN-DANDAN asked why there had been such a drop in food production. She would be interested to learn more about government plans to remedy the situation, particularly with regard to the protection of indigenous people in the northern and eastern regions against the threat of hunger and malnutrition, and to the monitoring of food distribution in those regions.

56. Mr. VAROV (Russian Federation), referring to the Government's efforts to improve the standard of living, especially of poor and vulnerable groups, said that the more than 250,000 disabled persons in the country - clearly a problem group in sheer numbers - received government pensions, as well as public financial assistance channelled through the Association for Disabled Persons. However, the lack of up-to-date rehabilitation equipment remained a basic constraint. The Government also offered tax incentives and advice on appropriate working conditions to companies that engaged disabled employees.

57. The drop in food production that had taken place was an inevitable initial consequence of the structural transition from collective farming to private farming. Under the Soviet system, the State farms had produced two or three times less than farms in Europe or the United States. Unresolved legal issues in the transfer to private ownership were also holding back progress; as were the unfavourable tax system and the lack of funding for needed agricultural equipment. Once the organizational changes had taken place, however, an up-turn was expected.

58. With regard to the problem of hunger, he said that there was in the Russian Federation no actual hunger or starvation, as defined by the United Nations, but rather malnutrition, which was usually the plight of the homeless or of certain families forced to live with unpaid wages.

59. Mrs. JIMENEZ BUTRAGUEÑO asked whether, like wages, some disability pensions were also unpaid.

60. Mr. TEXIER, observed that the haste with which so many basic questions were being dealt with underscored the need to revise the Committee's methods. The right to housing and the issue of the housing shortage (para. 220 of the report) had, for instance, been barely touched upon. If the 18 per cent of the population still in need of decent housing were taken in conjunction with the figures given for the homeless, it was clear that, sadly, the Russian system was producing large numbers of unemployed persons and persons living in difficult circumstances. It would be useful to have more information concerning the construction of housing, especially for the homeless.

61. The CHAIRPERSON said that further questions relating to article 11 might be dealt with at the next meeting.

Article 12: Right to physical and mental health

62. Mr. MONISOV (Russian Federation) said that the health situation varied in the different areas of the country. In general, however, considerable progress had been made in combating infectious diseases, the incidence of which had been reduced through preventive measures such as government-supplied vaccines. Since 1992, cases of diphtheria and polio had shown a considerable drop and there had been success in reducing tuberculosis, which occurred particularly among the disadvantaged members of society and was a social as well as medical problem. The Russian Federation did not yet have an appropriate vaccine against hepatitis B and the incidence of AIDS had risen in 1996 over 1995 because of a large rise in drug abuse and the use of contaminated needles.

The meeting rose at 6 p.m.